

AMENDMENTS TO THE ZUNI LAND CONSERVATION ACT OF
1990

OCTOBER 19, 2000.—Ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4725]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4725) to amend the Zuni Land Conservation Act of 1990 to provide for the expenditure of Zuni funds by that tribe, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

**TITLE I—EXPENDITURE OF FUNDS BY ZUNI
TRIBE**

SEC. 101. EXPENDITURE OF FUNDS BY TRIBE AUTHORIZED.

Section 3 of the Zuni Land Conservation Act of 1990 (Public Law 101-486) is amended—

(1) in subsection (b)(1), by striking “The Secretary of the Interior” and inserting “The Zuni Indian Tribe”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “, subject to paragraph (2),”;

(B) by striking paragraph (2);

(C) in paragraph (3), by striking “Secretary of the Interior” and inserting “Zuni Indian Tribe”; and

(D) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively.

TITLE II—ESTABLISHMENT OF NATIVE NATIONS INSTITUTE FOR LEADERSHIP, MANAGEMENT, AND POLICY

SEC. 201. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The policy of the United States favors the self-determination of the American Indian tribes.

(2) Consistent with that policy, the American Indian tribes are increasingly taking control of their own affairs in order to realize in practice much of the status afforded them in treaties, court decisions, and legislation.

(3) As a result, these American Indian tribes are encountering challenges that require enhanced leadership preparation and greater access to information and methods of analysis other governments regularly employ in policymaking.

(4) Enabling the American Indian tribes to better meet these challenges is consistent with Federal policy regarding these tribes and with the national interest of the United States.

(b) PURPOSE.—The purpose of this title is to establish an institute that can assist the present and future leadership of American Indian tribes and other indigenous peoples, including Alaska Natives and Native Hawaiians, to better meet challenges of management and policy analysis while reflecting the needs, circumstances, and concerns of those tribes and peoples.

SEC. 202. DEFINITIONS.

For purposes of this title:

(1) CENTER.—The term “Center” means the Udall Center for Studies in Public Policy established at the University of Arizona in 1987.

(2) FOUNDATION.—The term “Foundation” means the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

(3) NATIVE NATIONS INSTITUTE.—The term “Native Nations Institute” means the Native Nations Institute for Leadership, Management, and Policy established under section 203.

SEC. 203. NATIVE NATIONS INSTITUTE FOR LEADERSHIP, MANAGEMENT, AND POLICY.

(a) ESTABLISHMENT.—There is hereby established the Native Nations Institute for Leadership, Management, and Policy to promote leadership and management training and policy analysis for Native Americans, Alaska Natives, and others involved in tribal leadership and management. The Native Nations Institute shall be located at the Center.

(b) GRANTS FOR STARTUP FUNDING.—The Foundation shall award grants to the Center to provide startup funding for the Native Nations Institute, conditioned on a 25 percent match from other sources. The Foundation’s Board of Trustees shall approve the annual budget of the Native Nations Institute.

(c) APPLICATION OF AUTHORITIES.—The authorities set forth in section 7(a) and section 12(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (with the exception of section 12(a)(4) of such Act), shall apply to activities of the Foundation in connection with the Native Nations Institute.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Foundation to carry out this section \$12,300,000 for the 5-year period after the date of the enactment of this title.

Amend the title so as to read:

A bill to amend the Zuni Land Conservation Act of 1990 to provide for the expenditure of Zuni funds by that tribe, to establish the Native Nations Institute for Leadership, Management, and Policy to provide opportunities for leadership and management training and policy analysis for Native Americans, Alaska Natives, and others involved in tribal leadership and management, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 4725, as ordered reported, is to amend the Zuni Land Conservation Act of 1990 to provide for the expenditure of Zuni funds by that tribe, to establish the Native Nations Institute for Leadership, Management, and Policy to provide opportunities for leadership and management training and policy analysis

for Native Americans, Alaska Natives, and others involved in tribal leadership and management, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 4725 would Amend the Zuni Land Conservation Act of 1990 to provide for the expenditure of Zuni trust funds by the Pueblo. The 1990 Act established a \$25 million resource development trust fund for the Pueblo as settlement of the Pueblo's claims against the United States. It also made the Secretary of the Interior the trustee of the trust fund, limited the purposes for which the corpus of the trust fund could be expended, and limited the disbursement of the interest and investment income of the trust fund to expenditures made pursuant to a Zuni resource development plan.

When the trust fund was established, it was anticipated by the Pueblo that it would earn in excess of \$1 million per year in interest. However, interest has only been half of what was anticipated, making it impossible for the Pueblo to fully implement the Zuni Resources Development Plan intended to restore and maintain the land base held by the Pueblo. The Pueblo is of the opinion that it can effectively administer these trust funds if it is given control and if an \$8 million dollar limitation, created in the 1990 Act on expenditures from the corpus of the fund, is eliminated.

H.R. 4725 would make the Zuni Indian Tribe the trustee of the development trust fund and would remove the aforementioned limitation on expenditures from the corpus of the fund.

In addition, the bill would establish the Native Nations Institute for Leadership, Management, and Policy at the Morris K. Udall Foundation in Arizona. This Institute would promote leadership and management training for Native Americans, Native Hawaiians, and Alaska Natives.

COMMITTEE ACTION

H.R. 4725 was introduced on June 22, 2000, by Congressman Joe Skeen (R-NM). The bill was referred to the Committee on Resources. On July 26, 2000, the Full Resources Committee met to mark up the bill. Congressman Mark Udall (D-NM) offered an amendment which established the Native Nations Institute described above. The amendment was adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 30, 2000.

Hon. DON YOUNG
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4725, a bill to amend the Zuni Land Conservation Act of 1990 to provide for the expenditure of Zuni funds by that tribe, to establish the Native Nations Institute for Leadership, Management, and Policy to provide opportunities for leadership and management training and policy analysis for Native Americans, Alaska Natives, and others involved in tribal leadership and management, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lanette J. Keith.

Sincerely,

STEVEN M. LIEBERMAN
(For Dan L. Crippen, Director).

Enclosure.

H.R. 4725—A bill to amend the Zuni Land Conservation Act of 1990 to provide for the expenditure of Zuni funds by that tribe, to establish the Native Nations Institute for Leadership, Management, and Policy to provide opportunities for leadership and management training and policy analysis for Native Americans, Alaska Natives, and others involved in tribal leadership and management, and for other purposes.

Summary: H.R. 4725 would give the Zuni Indian Tribe control over certain tribal funds and would authorize appropriations for an institute to provide leadership, management, and policy training to Native Americans. Assuming the appropriation of the authorized amounts, CBO estimates that implementing H.R. 4725 would cost \$11 million over the 2001–2005 period for grants to the institute that would be established by the bill. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Enactment of the legislation would benefit the Zuni Tribe by giving it greater control over money in the Zuni Indian Resource Development Trust Fund.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4725 is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars				
	2001	2002	2003	2004	2005
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated authorization level	2	2	2	3	3
Estimated outlays	1	2	2	3	3

Basis of estimate: This estimate assumes that the bill will be enacted near the beginning of fiscal year 2001 and that the authorized amount will be appropriated over the next five years.

H.R. 4725 would establish the Native Nations Institute to provide leadership and management training to Indians and Indian tribes. The bill would authorize the appropriation of \$12 million over a five-year period to the Morris K. Udall Scholarship and Excellence in National Environmental Policy foundation to make grants to the institute. Based on information from the foundation, CBO estimates that \$2 million to \$3 million would be provided each year over the 2001–2005 period.

The bill also would designate the Zuni tribe as the trustee for the Zuni Indian Resource Development Trust Fund and would allow the tribe to spend the balance of the fund. The federal budget excludes trust funds that are held and managed in a fiduciary capacity by the federal government on behalf of Indian tribes. Based on information from the Bureau of Indian Affairs and the Office of Management and Budget, CBO expects that the Zuni Indian Resource Development Trust Fund will be reclassified as a nonbudgetary account before the end of fiscal year 2000. Therefore, any additional withdrawal of money from the trust fund by the tribe as

a result of enacting this bill would not be recorded as an outlay and would have no impact on the federal budget.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 4725 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Enactment of the legislation would benefit the Zuni tribe by giving it greater control over money in the Zuni Indian Land Resources Development Trust Fund.

Estimate prepared by: Federal Costs: Lanette I. Keith and Deborah A. Kalcevic. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Lauren Marks.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 3 OF THE ZUNI LAND CONSERVATION ACT OF 1990

TRUST FUND

SEC. 3. (a) * * *

(b)(1) **【The Secretary of the Interior】** *The Zuni Indian Tribe* shall be the trustee of the Trust Fund and shall invest the funds in the Trust Fund with a financial institution.

(2) The Secretary of the Interior shall not deduct any amount from the Trust Fund for administrative expenses or charge the Zuni Indian Tribe for expenses incurred by the Secretary in acting as trustee.

(c)(1) The funds appropriated to the Trust Fund under the authority of section 4 shall constitute the corpus of the Trust Fund and may be expended**【, subject to paragraph (2),】** only for the following purposes:

(A) * * *

* * * * *

【(2) The total amount of the corpus of the Trust Fund that may be expended under paragraph (1) shall not exceed \$8,000,000.】

【(3)】 (2) The interest and investment income that accrues on the corpus of the Trust Fund may be expended by the **【Secretary of the Interior】** *Zuni Indian Tribe* pursuant to the Zuni resource development plan described in section 2.

[(4)] (3) No funds appropriated under the authority of this Act may be used to make per capita payments to members of the Zuni Indian Tribe.

[(5)] (4) All sums paid pursuant to this Act shall be offset against any judgment entered in favor of the Zuni Indian Tribe in docket numbers 327–81L and 224–84L, but not against any judgment entered in docket number 161–79L, of the United States Claims Court.

[(6)] (5) Nothing in this Act shall be construed to affect in any way the trust status of Zuni Indian Reservation land or resources.